CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 7, 2010

INVOCATION:
Pastor Paul Berry of Calvary Chapel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Pro Tem Cordero called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Mayor Pro Tem Cordero, Councilmembers Orach, Patino, and Zacarías.

MEMBERS ABSENT
Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Fire Chief Jones, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Police Chief Macagni, Director of Community Development Appel, Director of Administrative Services Visé, Director of Recreation and Parks Posada, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS:
Mayor Pro Tem Cordero announced that the Mayor had an unavoidable conflict and would not be present.

Mayor Pro Tem Cordero also announced that the applicant for the Alcoholic Beverage Control License for Carniceria El Amigo Abad, Item 5 on the agenda, had requested the item be continued to the meeting of January 18, 2011.

On motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES:	None
ABSENT:	Mayor Lavagnino
ABSTAIN:	None

The Alcoholic Beverage Control License for Carniceria El Amigo Abad was continued to the regular meeting of January 18, 2011.

Mayor Pro Tem Cordero stated that yesterday was the 24th anniversary of Councilmember Orach being sworn in as a new Councilmember.

RESOLUTION FOR DOUGLAS DICKSON
Mayor Pro Tem Cordero read Resolution No. 2010-129 recognizing and commending Douglas Dickson, Fire Captain, for 31 years of loyal and dedicated service to the Fire Department, the City of Santa Maria and the community, and congratulating him on his retirement and wishing him and his family continued health and happiness.

Resolution No. 2010-129 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Resolution No. 2010-129 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING FIRE CAPTAIN DOUGLAS DICKSON FOR HIS YEARS OF DEDICATED SERVICE.

Doug Dickson thanked the City Council, the Fire Department, and most of all his wife and children. The 31 years with the City have gone by so fast. He could not be prouder of the people he worked with and the people who were coming in behind him. The Fire Department has some great individuals. He said in 1980, he and five other individuals were hired full-time for the opening of Fire Station #3 which was to be a temporary building on Donovan and College. Ironically, only one of the six will be with the City to see that station closed. He thanked the City for the opportunity and the incredible ride it has been.

RESOLUTION FOR RON RODRIGUEZ

Councilmember Patino read Resolution No. 2010-132 recognizing and commending Ron Rodriguez, Recreation Services Manager in the Recreation and Parks Department, for 24 years of dedicated service to the City of Santa Maria, and congratulating him on his retirement and wishing him and his family continued good health and many years of happiness.

Resolution No. 2010-132 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Resolution No. 2010-132 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING AND COMMENDING RON RODRIGUEZ.

Ron Rodriguez thanked the City Council for the kind words and the support throughout the years. It was his good fortune to work with some terrific people over the years. His time with the City has been great. He thanked his wife, Tina, for her patience. He thanked Director of Recreation and Parks Alex Posada for his support, his friendship, and his patience.

Director of Recreation and Parks Posada thanked Ron for all he has done for the department. They have had a great team relationship. People did not realize all the behind-the-scenes work Ron did for the department. He was responsible for all the human resource work and keeping the department on track fiscally. He thanked Ron for his friendship and wished him and his family well.

RESOLUTION FOR FRANCES WALKER

Councilmember Orach read Resolution No. 2010-131 recognizing and commending Frances Walker, Finance Clerk II in the Administrative Services Department, for 31 years of dedicated service to the City of Santa Maria, and congratulating her on her retirement and wishing her continued good health and many years of happiness.

Resolution No. 2010-131 was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Resolution No. 2010-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING FRANCES WALKER FOR 31

YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HER ON HER RETIREMENT.

Frances Walker stated she has been truly blessed to have a career that she absolutely loved. The success of that career could only be measured if every employee or individual could say she treated them with the values of professionalism, dignity, integrity, and respect. For in the end, that was what mattered the most to her. It has been a wonderful journey.

RESOLUTION FOR IVAN CORDERO

Councilmember Zacarías read Resolution No. 2010-130 recognizing and commending Ivan Cordero, Finance Clerk I in the Administrative Services Department, for 35 years of dedicated service to the City of Santa Maria, and congratulating him on his retirement and wishing him and his family continued good health and many years of happiness.

Resolution No. 2010-130 was adopted on motion by Councilmember Zacarías seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Resolution No. 2010-130 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING IVAN CORDERO FOR 35 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Ivan Cordero thanked the City Council and all the City departments he has worked with. He thanked his wife for her support. He also thanked all the employees who work in City Hall and said he would miss them all.

PUBLIC COMMENT

Terri Zuniga said she really enjoyed working with Ron Rodriguez during her four years on the Recreation and Parks Commission. She thanked Councilmember Zacarías and Mayor Pro Tem Cordero for attending John Sterling's memorial service. She expressed disappointment that no other City official attended the service. She felt it was disgraceful that the elected officials did not take their role as the community's representatives seriously and show the admiration and respect of the citizens for John Sterling by making an appearance. She asked that the City Council adopt a resolution honoring John Sterling and present it to his wife.

Warren Gabareé thanked the Council for supporting Community Watch 2010 over the last ten months. It would be coming to an end at the end of this month. He presented the City Council with a proclamation of special appreciation from Community Watch 2010.

Mary Jacka also spoke about the lack of City presence at John Sterling's memorial service. She hoped the Police Department's Honor Guard would be compensated for their participation in the memorial. John Sterling was an excellent person to know, and he did wonderful things for the whole community. This community was touched by him.

C. C. Todd said she wanted it on the record that Mayor Lavagnino, Tim Ness, and Chief Macagni owed an apology to the family of John Sterling for the grief caused him during his career and at his memorial.

Deborah Brasket, SBCAN, stated John Sterling was one of their board members, and it was sad that the community lost him. He was one of the greatest community leaders that Santa Maria ever had. She was happy to see Councilmember Zacarías and Mayor Pro Tem Cordero at the memorial and was disappointed that the leadership of the Santa Maria Police Department did not attend. She wanted some assurance that the Police Officers who did attend would not suffer any negative repercussions because of their attendance. She also asked for a resolution honoring John Sterling's service to the community.

CONSENT CALENDAR
Councilmember Patino announced she would be abstaining from voting on the minutes as she was absent from the last meeting.

Consent Calendar Items 3A through 3I were approved on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino (except Item 3B), Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: Councilmember Patino (Item 3B only)

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 16, 2010, were approved as submitted.

C. STATUS REPORT ON AIRPORT MOBILE HOME PARK
The City Council received and filed a status report on the Airport Mobile Home Park.

D. WARRANTS
Warrant Nos. 162754 to 163039 totaling $2,382,464.07 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 101020, 157655, 161495, 162490, 162708, and 162917 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. UTILITY BILL PRINT & MAIL SERVICE
Resolution No. 2010-133 was adopted awarding the bid for Request for Proposal (RFP) 11-02 and authorizing the Director of Administrative Services to execute an agreement with Infosend for utility bill print and mail services in the amount of $24,085.

Resolution No. 2010-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AWARDING THE BID FOR REQUEST FOR PROPOSAL 11-02 AND AUTHORIZING THE DIRECTOR OF ADMINISTRATIVE SERVICES TO EXECUTE AN AGREEMENT WITH INFOSEND FOR UTILITY BILL PRINT AND MAIL SERVICES.

G. ORDINANCE NO. 2010-13
The City Council conducted the second reading of Ordinance No. 2010-13 pertaining to a development agreement for Cole Enterprises, LLC, 1525 West Betteravia, to allow the phased deferral of public infrastructure improvements, SP-2010-021, E-2009-003, and adopted the ordinance.

Ordinance No. 2010-13 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR COLE ENTERPRISES, LLC, SP-2010-021, E-2009-003, LOCATED AT 1525 WEST BETTERAVIA ROAD.

H. ORDINANCE NO. 2010-14
The City Council conducted the second reading of Ordinance No. 2010-14 amending language to various sections of Chapter 34 (Signs) of Title 12 of the Santa Maria Municipal Code concerning temporary signs, sandwich board signs, bow/feather signs,

temporary flags in developing residential areas, and parking lot light banners, Z-2010-005, E-2010-048, and adopted the ordinance.

Ordinance No. 2010-14 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-34 OF THE SANTA MARIA MUNICIPAL CODE, PERTAINING TO TEMPORARY SIGNS, SANDWICH BOARD SIGNS, AND BOW/FEATHER SIGNS.

I. LA VIGNA II, TRACT 5964

Resolution No. 2010-134 was adopted approving the subdivision map and agreement for La Vigna II, Tract 5964, generally located north of Marsala Avenue, east of Westgate Road, west of Blosser Road, and south of Battles Road.

Resolution No. 2010-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR LA VIGNA II, TRACT 5964.

AMENDMENT TO CHAPTER 12-2 OF TITLE 12 OF THE MUNICIPAL CODE ESTABLISHING A DEFINITION FOR AN AGRICULTURE USE.

Director of Community Development Appel gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission regarding a zoning text amendment. The proposed amendment would add a definition for agriculture use to the City's Zoning Ordinance. On July 20, 2010, the City Council approved an ordinance to place restrictions on the use of barbed wire, razor wire, and similar sharp materials in the construction of walls and fencing. The ordinance prohibits use of barbed wire and razor wire in the construction of walls and fences unless a Conditional Use Permit is approved by the Zoning Administrator or by the Planning Commission. One exemption permits the use of barbed wire fencing "by right" on sites one acre or larger when the site is used for agriculture or livestock purposes. The exception recognizes that barbed wire fencing has been historically used as an integral part of farming and ranching operations, and the use of barbed wire in more rural settings will typically not create the same adverse visual impact as the use of barbed wire in urbanized portions of the City. During the City Council public hearing, it was noted that the exception could be construed by some to imply that agriculture service oriented businesses, such as farm equipment, fertilizer, pesticide, or feed sales and services, might fall under the same category as an agricultural use, which was not the intent of the ordinance. To better clarify this distinction, the City Council directed staff to establish a definition for an "agriculture use" that would be exempt under the barbed wire ordinance.

On November 3, 2010, the Planning Commission adopted Resolution No. 2582 on a 5-0 vote recommending the City Council adopt an ordinance amending Chapter 2 of Title 12 of the Municipal Code to add a definition of an agriculture use.

Director Appel displayed a map of Santa Maria showing the areas zoned for agriculture.

Councilmember Patino stated she thought there was a portion on the northwest side of Blosser Road that was also zoned agricultural.

Director Appel stated that was correct and should have been shown on the map.

Ordinance No. 2010-15 approving a Zoning Text Amendment was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Cordero
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Ordinance No. 2010-15 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-2 OF THE SANTA MARIA MUNICIPAL CODE, ESTABLISHING A DEFINITION OF AGRICULTURE USE.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY IN THE MATTER OF THE ISSUANCE OF A TYPE 20 (OFF-SALE BEER AND WINE) ALCOHOLIC BEVERAGE LICENSE FOR CARNICERIA EL AMIGO ABAD, 717 E. MAIN STREET, SP-2010-029.

This item was continued to the meeting of January 18, 2011, as noted previously.

CITY MANAGER'S REPORT
City Manager Ness reported on items anticipated for the December 21, 2010, City Council meeting including the reorganization and seating of the new Council; recognition of the 2010 Lights, Sights and Holiday Nights Decorating Contest winners; a report on E-verify for City employees; annual speed survey information; and selection of Mayor Pro Tem for 2011.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Patino stated she had been gone part of the time but did attend the memorial service for Daniel Johnson, one of the City's fallen heroes, at the Maldonado Center.

Councilmember Zacarias reported that she had been on vacation for two weeks. She attended the memorial service for John Sterling. She announced that the VITA program was up and running and would be starting classes in January if anyone wanted to assist in tax preparation; and that the Community Action Commission had just started a Head Start Alumni Association. She reminded the Council that she had asked Mayor Pro Tem Cordero to replace her on the Community Action Commission and wanted to make sure the City did whatever was necessary to make that appointment.

City Manager Ness stated staff would be presenting that to the Council on January 18th with all the other appointments to regional boards and committees.

Mayor Pro Tem Cordero reported that he attended the Celebration for Life at the Veteran's Memorial Center, appeared on the Ben Heighes Show, attended a fundraiser for the Rape Crisis Center, John Sterling's memorial, the memorial service for Daniel Johnson, and while in San Francisco he attended several classes on the Brown Act.

CLOSED SESSION:
The City Council recessed to a Closed Session at 7:20 p.m. to discuss Conference with Labor Negotiators pursuant to Government Code Section 54957.6, Agency Representative – Assistant City Manager; Employee Organizations - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

After the Closed Session, the following report was given:

Conference with Labor Negotiator - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:18 p.m. by Councilmember Patino in honor of Daniel Johnson and Ted Scott.

APPROVED

December 21, 2010
Date

ATTEST

Chief Deputy City Clerk

Chief Deputy City Clerk and ex officio Clerk of the City Council

Mayor Pro Tem